REMARKS

Receipt of the Office Action of May 12, 2009, is gratefully acknowledged.

Claims 10, 11, 13 and 15 - 18 have been re-examined with claim 10 objected to and claims 10, 11, 13 and 15 - 18 finally rejected under 35 USC 103(a) over D'Angelico.

To overcome the noted objection and rejection, claim 10 has been amended as suggested by the examiner including substituting the discussion on page 7 of the specification for lines 17 - 21. As amended, the objection to claim 10 should be overcome.

As to the D'Angelico patent, it shows how two different vibration modes are used to detect accretion at the oscillatable unit. For example the first mode is used to detect accretion and the second mode is used to determine a filling level. Both modes show changes in frequency, but the first mode because of accretion and the second mode because of being covered by medium, see claims 2 and 3 of D'Angelico. Both modes work at different frequencies.

In amended claim 10 (previous claims 10, 11, 16 and 17) an accretion alarm is given when the vibration frequency is below a limit value. This limit value is calculated/determined by taking the maximum allowable process variable and the maximum allowable process conditions into account. Hence, the limit value refers to the lowest vibration frequency which results from the process variable and the process conditions. If the frequency is lower than this limit value, this cannot be the result of any other parameter but of accretion. No change of the process conditions can lead to a frequency lower than the limit value but only accretion can do. In contrast, the over-value is determinable and/or calculable from a greatest oscillation frequency as a function of corresponding maximum (in

reference to the field device) allowable process conditions and as a function of the oscillatable unit oscillating uncovered.

Hence amended claim 10 shows how to use the detection of accretion in a way which avoids false accretion alarms. D'Angelico provides us with no such teaching

This invention claimed in amended claim 10 is a simplification of D'Angelico. The control/evaluation unit evaluates only single mode oscillations of the oscillatable unit. So, vibration/oscillation frequency of a single vibration mode is used to measure both, accretion and fill level.

In view of the noted amendments to the claims, it is respectfully submitted that claims 10, 13, 15 and 18 should now be allowed.

Respectfully submitted,
BACON & THOMAS, PLLC

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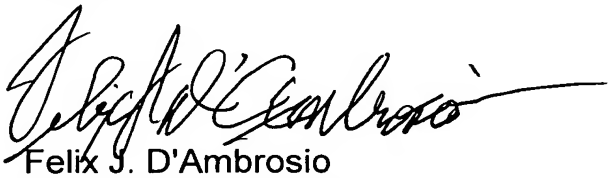

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